

FILED

APR 20 2011

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

SUSAN J. SCHOFIELD

Debtor

HSBC BANK USA, NATIONAL ASSOCIATION, AS
TRUSTEE FOR HOME EQUITY LOAN TRUST
SERIES ACE 2004-HE3

Movant

v.

SUSAN J. SCHOFIELD

and

RONDA J. WINNECOUR, ESQUIRE (TRUSTEE)

Respondents

BK. No. 10-20927 JKF CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

Chapter No. 13

Document No. 32

Hearing Date: April 20, 2011

Hearing Time: 09:30 AM

Objection Date: March 30, 2011

ORDER GRANTING IN REM RELIEF FROM THE AUTOMATIC STAY

AND NOW, this 20 day of April, 2011, at PITTSBURGH, upon consideration of the Movant's Motion for In Rem Relief from the Automatic Stay Pursuant to 11 U.S.C. §362(d)(4) and hearing it is hereby:

ORDERED that the Automatic stay of all proceedings, as provided under 11 U.S.C. Section §362 of the Bankruptcy Code is modified with respect to premises, **2520 BEAVER AVENUE, MONACA, PA 15061-1241**, as more fully set forth in the legal description attached to said mortgage, as to allow the Movant to foreclose on its mortgage or take any legal or consensual action enforcement of its right to possession of, or title to, said premises (such actions may include but are not limited to the signing of a deed in lieu of foreclosure or entering into a loan modification agreement) and to allow the purchaser of said premises at Sheriff's Sale (or purchaser's assignee) to take any legal or consensual action for enforcement of its right to possession of, or title to, said premises; and it is further;

ORDERED that if any future bankruptcy cases are filed by this Debtor, or any other occupant or owner of the real property located at **2520 BEAVER AVENUE, MONACA, PA 15061-1241**, within 2 years from the date of this order, such a bankruptcy filing shall not trigger the Automatic Stay under 11 U.S.C. §362(a) as to the real property located at **2520 BEAVER AVENUE, MONACA, PA 15061-1241**; and it is further;

ORDERED that in accordance with section 362(d)(4) that a certified copy of this order may be indexed and/or recorded with any governmental unit that accepts notices of interests or liens in real property; and it is further;

ORDERED that Rule 4001(a)(3) is not applicable and **HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR HOME EQUITY LOAN TRUST SERIES ACE 2004-HE3** may immediately enforce and implement this Order granting In Rem relief from the Automatic Stay; and it is further;

Ordered that this court abstains, in favor of the Beaver County Court of Common Pleas, over the litigation concerning the foreclosure, and all matters related thereto, of this property. In addition, the objection to this claim is stayed, pending resolution of the

J. Fitzgerald
JUDITH K. FITZGERALD, BANKRUPTCY
JUDGE

foreclosure action. HSBC through its counsel, Mr. Gaertner, shall advise the Trustee, Debtor and this Court of the result of the foreclosure action and shall request this Court to re-schedule the objection to claim.